

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 367, May 21, 2009
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:07 p.m.
A revised agenda was distributed.

Representatives and Alternates Present

Supervisor John Avalos
Councilmember Jane Brunner
Mayor Pro Tem David Casas
Councilmember Kansen Chu
Councilmember Carole Dillon-Knutson
Councilmember Dan Furtado
Mayor Jack Gingles
Supervisor John Gioia
Mayor Mark Green
Supervisor Carole Groom
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Mayor Beverly Johnson
Councilmember Ash Kalra
Supervisor Mike Kerns
Director Nancy Kirshner Rodriguez
Supervisor Barbara Kondylis
Councilmember Sam Liccardo
Supervisor Mark Luce
Supervisor Ross Mirkarimi
Mayor Julie Pierce
Mayor Harry Price
Vice Mayor Jean Quan
Mayor A. Sepi Richardson
Supervisor Gail Steele
Mayor Pamela Torliatt
Supervisor Gayle B. Uilkema
Councilmember Joanne Ward
Terry Young

Representatives Absent

Supervisor Susan Adams
Supervisor David Cortese
Councilmember Richard Garbarino
Education Advisor Hydra Mendoza
Councilmember Nancy Nadel
Mayor Gavin Newsom
Supervisor Ken Yeager

Jurisdiction

County of San Francisco
City of Oakland
City of Los Altos
City of San Jose
City of Novato
City of Campbell
City of Calistoga
County of Contra Costa
City of Union City
County of San Mateo
County of Alameda
County of San Mateo
City of Alameda
City of San Jose
County of Sonoma
City of San Francisco
County of Solano
City of San Jose
County of Napa
County of San Francisco
City of Clayton
City of Fairfield
City of Oakland
City of Brisbane
County of Alameda
City of Petaluma
County of Contra Costa
City of Hercules
RWQCB

Jurisdiction

County of Marin
County of Santa Clara
City of South San Francisco
County of San Francisco
City of Oakland
City of San Francisco
County of Santa Clara

2. PUBLIC COMMENT

There were no public comments.

3. ANNOUNCEMENTS

President Jacobs Gibson welcomed David Casas, Mayor Pro Tem, City of Los Altos, alternate representing cities in County of Santa Clara.

Mark Green, Mayor, City of Union City, announced the graduation of his son from the University of California, Berkeley. He reported on a recent Bay Trail event in San Francisco.

There were no other announcements.

4. PRESIDENT'S REPORT

President Jacobs Gibson reported on the following:

The winners of the 2009 Growing Smarter Together Awards were announced during the Spring General Assembly. The first Urban Design Category winner was presented this year to the City of Berkeley for Oxford Plaza Apartments and the David Brower Center. Other awardees include: the City of San Ramon won in the Sharing the Benefits Category for their innovative Housing Rehabilitation Program; the County of Alameda Public Works Department won in the Preserving and Protecting the Environment Category for the Peralta Creek Restoration Project; the City of Union City won in the On the Ground-Getting it Done Category for their Intermodal Station District Plan, and both AC Transit and BART were recognized for their contributions to this project; and the Housing Endowment and Regional Trust—the HEART of San Mateo County was awarded a Growing Smarter Together Award in the Public Private Partnership Category. The awards presentation is on the ABAG website.

At the General Assembly speakers and panelists helped to drive home the messages that ABAG has been making about focused growth, infill development, and climate protection and answered many questions about SB 375 and ABAG's approach and readiness for implementation. The PowerPoint presentation delivered by Vice President Mark Green and MTC Commissioner Steve Kinsey, as well as a glossary of terms, is available on the ABAG website.

During the Business Meeting the Annual Budget and Work Program and a bylaw amendment that allows flexibility in the scheduling of the Spring General Assembly were approved. The Fall General Assembly will once be held in San Francisco on October 22nd.

Since its establishment last year, the Youth Gun Violence Task Force has met and conducted independent research that has led to a decision to hold a convening of experts in the field of youth gun violence and building healthy communities on June 18th.

Additional ABAG Committee appointments will be made in July and throughout the year as vacancies occur.

Members were urged to support SB 406, introduced by Senator Mark DeSaulnier at the behest of ABAG and the California Council of Governments (CALCOG), would provide a much needed consistent source of financing for ABAG and MPOs

throughout the state as well as local governments for planning and implementation of SB 375. A draft letter of support was distributed.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Gardner reported on the following:

As a result of the recent election and the failure of Propositions 1A through 1E, the state deficit will increase, the state will resort to borrowing from cities and counties, and the state will likely freeze contracts and grants to public and private agencies.

The Legislative Analyst updated the State's cash flow analysis and concluded that the State may have to halt spending on bond funded projects and force delays in payments for work already performed which could have a significant impact on ABAG's Bay Trail Project and Estuary Project, both funded from State issued bond financings, and both have had payments delayed this fiscal year. Fortunately, ABAG was able to move employees to other projects that were not affected by the funding freeze, but that will probably not be possible if there is a future freeze, particularly for the Bay Trail Project. The Bay Trail Project is currently under funded and FY 2009-10 will be a challenge. The State is currently estimating an \$8 billion revenue shortfall for the remainder of the fiscal year.

The prospects of the State borrowing from cities and counties and cutting funding for existing programs are becoming more probable, and failure of the measures in the May 19 special election will make it all but certain. Cities and counties are facing enormous budget challenges themselves and have exhausted most of the options they have to close budget deficits without painful reductions in staff and services. The federal stimulus package will ease some of the State's budget problems, but not all of them, and will provide little immediate help to cities and counties.

The May Revision is expected to be released by the Governor on May 14, 2009. Should the ballot propositions fail, estimated to raise approximately \$6 billion, the Governor has indicated that possible actions might include the following: borrowing \$2 billion from cities, counties, and special districts; additional cuts to Medi-Cal; release of 40,000 nonviolent inmates from prison; release of undocumented inmates to the federal government; an additional \$3.6 billion reduction to schools.

In its 2007 Report to the Legislature on the Status of Housing Elements in California, the California Department of Housing and Community Development reports that for the planning period from December 31, 2001 to June 30, 2009, in ABAG's region, 92 out of 109 total jurisdictions, or 85 percent, had adopted housing elements that were in compliance in their general plans, the highest among other regions in the state. The report describes the status of local government compliance with housing element law statewide and by region.

To meet the requirements of SB 375, staff is taking steps to encourage the League of California Cities, the California State Association of Counties, and local jurisdictions to support SB 406 (DeSaulnier). SB 406 will allow the Metropolitan Planning Organizations the option of imposing a maximum \$2 as a registration fee on automobiles to generate funds that can support the significant planning responsibilities to provide for the orderly growth in a sustainable manner and to meet greenhouse gas reduction targets placed on MPOs by SB 375. Through SB 406, local governments will receive 50 percent of funding for direct assistance in the SB 375 planning process, with the remainder going to MPOs to complete plans to meet regional targets.

The San Francisco Bay Restoration Authority Governing Board held its first meeting on April 22. Chaired by Samuel Schuchat, Executive Officer of the California State Coastal Conservancy, all appointed members of the Governing Board were present and heard a summary of the legislation establishing the Authority and an overview of San Francisco Bay wetlands restoration projects and opportunities. The Governing Board accepted the support offered by ABAG and the State Coastal Conservancy to provide staff to the Authority. The next Governing Board meeting is scheduled for July 29.

FOCUS Forum continues its series of monthly meetings with focused discussions and guest speakers that provide opportunities to learn more about specific issues concerning the creation of complete communities near transit in urbanized areas. Upcoming meetings include: "Air Quality in Our Communities" with guest speaker Dave Vintze, Program Manager BAAQMD, Thursday, May 14; "Development With Diversity" featuring the sub-recipients of the Caltrans Environmental Justice grant, Thursday, June 25; "Health in Urban Areas" with guest speaker Dr. Richard Jackson, Thursday, July 9; Projections 2009 Conference "Building Momentum", Thursday, June 18.

On May 1, 2009 ABAG submitted its Final Partnership Report to PG&E. The successful conclusion of the program included the following accomplishments: provided technical assistance to 61 agencies in the Bay Area, identifying over 600 potential energy savings projects; completed 309 energy efficiency projects in local government facilities for 48 separate agencies; saved over 25,000,000 kWh/yr and 580,000 therm/yr.

ABAG has successfully transitioned the energy efficiency assistance previously provided by the ABAG Energy Watch program to new, sub-regional Energy Watch programs for the 2009-11 program cycle, and is now working with PG&E on the Green Communities effort.

In 2006, ABAG POWER joined a lawsuit against natural gas trading companies that manipulated commodity prices during 1999-2001. As of May 2009, ABAG POWER has recovered \$500,000 (net) on behalf of 45 past and current members.

Members discussed the impact of State's budget on the San Francisco Bay Conservation and Development Commission (BCDC), and the state borrowing from cities.

President Jacobs Gibson thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

President Jacobs Gibson recognized a motion by Sepi Richardson, Mayor, City of Brisbane, and seconded by Mike Kerns, Supervisor, County of Sonoma, to approve the consent calendar. The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

Summary Minutes of Meeting No. 366 held on March 19, 2009.

B. Grant Applications

A list of grant applications was approved for submission to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

C. Appointment to Committees

Approved the following appointment to committee:

Bay Area Council Economic Institute*

Roseanne Faust, Mayor, Redwood City

D. Authorization to Renew Agreement with Michael J. Arnold and Associates, Legislative Advocate**

Authorization approved to renew the agreement with Michael J. Arnold and Associates in an amount not to exceed \$60,000 to provide legislative advocacy on behalf of ABAG in Sacramento.

E. Authorization for the Executive Director or Designee to Enter into Agreement for Grant from US Geological Survey**

Authorization approved for the Executive Director or designee to enter into agreement with the US Geological Survey to update public outreach materials on ABAG's website. Agreement will not exceed \$80,000.

F. Authorization is Requested for the Executive Director or Designee to Enter Into Contract Agreements for Estuary 2100 Grant**

At the July 2008 meeting the Executive Board authorized entering into a grant agreement with the U.S EPA in the amount of \$4,922,000 under the San Francisco Bay Water Quality Improvement fund. Authorization approved to enter into agreements with 16 agencies totaling \$4,104,076.

G. Authorization to Amend or Enter into Agreement with US Environmental Protection Agency (EPA)**

Authorization approved for the Executive Director or designee to amend or enter into a new cooperative agreement with EPA on behalf of the San Francisco Estuary Project to provide technical, public involvement and administrative support in implementing the Comprehensive Conservation and Management Plan (CCMP). The agreement term will be extended to December 31, 2010.

H. Authorization and Approval of Resolution No. 09-09 to Enter into Financial Assistance Agreement for American Recovery and Reinvestment Act (AARA) Funds**

Authorization approved for approval of Resolution No. 09-09 entering into agreement with the State Water Resources Control Board for financial assistance agreement with the State of California and the State Water Resources Control Board.

I. Authorization and Approval of Resolution No. 10-09 to Enter into Agreement for Clean Water State Revolving Fund for \$7.8 Million in Stimulus Funding for Bay Area Trash Capture Demonstration Project**

Authorization approved for approval of Resolution 10-09 transmitting application for funding for Bay Area-Wide Trash Capture Demonstration Project. The proposal includes significant public education and technology transfer elements.

J. Authorization to Enter into Financial Assistance Agreement under American Recovery and Reinvestment Act of 2009 (ARRA)**

Application for State Revolving Fund program funding for the El Cerrito Green Streets Project was approved by the Executive board in Resolution 04-09 adopted on March 19, 2009. The State Water Resources Control Board requests an

additional Resolution using specific language drafted by the State Board.
Approved Resolution No. 11-09.

K. Approval of Resolution Recognizing State Treasurer Bill Lockyer for Supporting the San Francisco Bay Trail Project

Approved resolution recognizing State Treasurer Bill Lockyer for supporting the San Francisco Bay Trail Project since the passage of SB 100 in 1987 and efforts to complete the continuous trail around the San Francisco Bay.

L. Approval of Resolution No. 13-09 Authorizing the ABAG Secretary-Treasurer to Designate Authorized Check Signers**

Bank of the West requires a resolution authorizing designated signers for ABAG checks. Approved Resolution No. 13-09 authorizing the ABAG Secretary-Treasurer to designate check signers.

7. BAY FRIENDLY LANDSCAPING PRACTICES**

Teresa Eade, Senior Program Manager, StopWaste.Org, and Michelle LeBeau, Bay-Friendly Landscaping & Gardening Coalition, made a presentation about Bay-Friendly programs and services. The presentation included a description of conventional landscapes, the seven principles of Bay-Friendly landscaping and its benefits, regional approach, landscape standards and resources, coalition participants, and future programs.

Members discussed edible landscapes, community gardens, gray water permitting, the significance of adopting the charter, current legislation affecting home owners associations' CC&Rs, StopWaste.Org materials and workshops, reducing storm water pollution, third-party certification, master gardener programs, and Integrated Pest Management.

President Jacobs Gibson recognized a motion by Jean Quan, Councilmember, City of Oakland, and which was seconded, to endorse the Bay Friendly 7 Principles Charter, encourage staff to incorporate Bay Friendly criteria in relevant programs, encourage continued development of a landscape verification program, and inform ABAG members of these actions. The motion passed unanimously.

President Jacobs Gibson thanked Ms. Eades and Ms. LeBeau for their report.

8. BAY TRAIL 20TH ANNIVERSARY**

Laura Thompson, Bay Trail Project Manager, provided the Board with a status report on the Bay Trail gap analysis and announced a schedule of 20th anniversary activities. She described the progress made over the past 20 years of the Bay Trail, partnerships, and grant program. She thanked the Board for adopting the resolution recognizing the contributions of Bill Lockyer, State Treasurer, who will be at the anniversary celebration on June 6th.

Members discussed lobbying for support through the federal reauthorization and transportation bill and acknowledged Bay Trail Project staff for their work.

President Jacobs Gibson thanked Ms. Thompson for her report.

9. ABAG'S INTERACTIONS WITH THE JOINT POLICY COMMITTEE IN IMPLEMENTING SB 375**

Paul Fassinger, ABAG Research Director, presented recommendations for how

decision-making and staff work will be organized for upcoming regional initiatives. He noted recent actions by the Joint Policy Committee regarding draft policies for implementing SB 375, reviewed SB 375, policy models, described constructing integrated models, and listed outreach plans. He further described the required integration of work efforts and staff recommendations for discussing proposals with regional agencies and local stakeholders.

Members discussed the planning and modeling fatigue and the connection between RHNA, Projections, and the Sustainable Communities Strategy; technical level discussions; buy-in by local jurisdictions; the role of modeling regarding proposed development in salt flats.

Executive Director Gardner commented on the need for staff to present issues and their implications that should be addressed by members prior to action being taken at the Joint Policy Committee.

President Jacobs Gibson recognized a motion by Sam Liccardo, Councilmember, City of San Jose, and seconded by Barbara Kondylis, Supervisor, County of Solano, to accept the report. The motion passed unanimously.

President Jacobs Gibson thanked Mr. Fassinger for his report.

10. ABAG REGIONAL SOLAR ENERGY EFFICIENCY PROGRAM UPDATE**

Ezra Rapport, ABAG Deputy Executive Director, provided the Board with an update on plans for a regional solar energy efficiency finance program. He described the role of PG&E, legal issues, assessment versus special tax districts, special tax validation, and finance bonds in the formation of Solar and Energy Efficiency financing districts.

Members discussed Mello Roos districts, energy loading, commercial property, solar capacity and technology developments, providing status update to members, program timeline, implementation of SB 279, single form for solar permitting, Community Choice Aggregation, residential low-income diversification, public housing and non-profit housing, bonding, and federal rebates.

President Jacobs Gibson thanked Mr. Rapport for his report.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Carole Dillon Knutsen, Councilmember, City of Novato, who reported on recommendations on bills for consideration in the 2009 Legislative Session, including SB 406 (DeSaulnier), Land Use: Environmental Quality (support); SB 575 (Steinberg), Local Planning: Housing Element (support); AB 349 (Silva), State Mandates (support and follow-up); AB 155 (Mendoza), Local Government: Bankruptcy (oppose); ACA 9 (Huffman), Local Government Bonds: Special Taxes, Voter Approval (support); AD 1342 (Evans), Local Taxation: Income Taxes, Vehicle License Fees (support); SB 7 (Wiggins), Renewable Energy Sources: Feed-in Tariff, Net Metering (support if amended); SB 676 (Wolk), Local Fees (support); AB 1520 (Evans), State Watershed Program (support in concept); and AB 87 (Davis), Single Use Carryout Bags: Environmental Effects, Mitigation (support).

She reported on committee activities, including: discussion of Multi-County Delta Resolution and water planning priorities; summarized issues and challenges raised during the ABAG Spring General Assembly and Bay Area Air Quality Management

District Climate Action Summit; discussion of the current budget situation and participation with the League of California Cities and the California State Association of Counties on budget impacts; consideration of AB 744 (Torrico), Transportation: Toll Lanes, Express Lane Network, and AB 881 (Huffman), Sonoma County Regional Climate Protection Authority, Greenhouse Gas Emissions; and a briefing on efforts to address government dysfunction to the next committee meeting agenda.

Members discussed ACA 9, AB 1061, and AB 87.

President Jacobs Gibson recognized a motion by Chair Dillon Knutsen, and seconded by Supervisor Kerns to approve the committee report as amended to indicate support of AB 87. The motion passed with one nay vote related to ACA 9 (Gayle B. Uilkema, Supervisor, County of Contra Costa).

President Jacobs Gibson thanked Chair Dillon Knutsen for her report.

12. FINANCE & PERSONNEL COMMITTEE REPORT**

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including: approval of financial reports for March and April; and approval of contribution to the Tranter-Leong Internship Program in the amount of \$17,000 for Fiscal Year 2009-2010. He asked to members to encourage counties and cities to pay their dues.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by John Gioia, Supervisor, County of Contra Costa, to approve the committee report. The motion passed unanimously.

President Jacobs Gibson thanked Chair Haggerty for his report.

The Board entered closed session at 9:23 p.m.

The Board entered open session at 9:30 p.m.

Chair Haggerty reported that members met with ABAG's labor team and gave general direction with regards to labor negotiations with SEIU Local 1021.

He also reported that a Public Employee Performance Evaluation was conducted for the Legal Counsel whose performance was recognized by members. Due to the economic climate, no salary enhancement was given. Members expressed appreciation for the employee's consideration by not requesting a salary adjustment.

13. ADJOURNMENT

Meeting adjourned at approximately 9:32 p.m.


Henry L. Gardner, Secretary-Treasurer

** Indicates attachments.

*** For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.

All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or FredC@abag.ca.gov.

